



STATE OF INDIANA

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February 11, 2026

Re: Complaint 25-FC-112
Amy Harness (Complainant) v.
City of Shelbyville (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on May 31, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 17, 2025, requesting a formal response by November 17, 2025. A formal response, submitted by Attorney Jennifer Meltzer of McNeely Law LLP on behalf of Respondent, was received in this office on November 17, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide a copy of the requested records and included allegations that the Respondent violated the Open Door Law (ODL) by not providing proper notice of a public meeting.

ANALYSIS

Complainant alleged potential violations of ODL and APRA involving the Respondent. Her complaint outlined twenty-two (22) different concerns that were wide ranging, from public access or business dealings in the city and city parks operations ranging from records requests being denied and violation of the public meeting notice statutory provisions, to conflicts of interest, self-dealing, intimidation and harassment. Complainant cites State Board of Accounts (SBOA) manuals and guidelines as well as criminal statutes, accounting provisions, and the U.S. Constitution.

This office does not have jurisdiction over most of the items alleged in the complaint. Those concerns should be referred to the appropriate agencies and authorities to address.

This office only has jurisdiction related to the allegations of APRA and ODL violations and addresses four (4) specific issues raised in the complaint.

Access to Public Records Act

The public policy of APRA states that “[p]roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty is to provide the information.” Indiana Code (IC) 5-14-3-1. Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. IC 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy Respondent’s public records during regular business hours. IC 5-14-3-3(a).

First, the Complainant alleges that Respondent violated APRA when it failed to provide all the records requested on May 23, 2025, for all “internal communications or correspondence related to the operation or approval of nonprofit and for-profit ventures at Blue River Memorial Park”. Complainant acknowledges that some records were provided while others were denied.

A request for inspection or copying must:

- (1) Identify with reasonable particularity the record being requested; and
- (2) Be at the discretion of the agency, in writing on or in a form provided by the agency. IC 5-14-3-3(a).

In Respondent’s response to the record request dated May 29, 2025, it states that those responsive records that could be identified have been provided to Complainant. Respondent denied other copies of records due to lack of reasonable particularity as to the records requested.

The Indiana Court of Appeals addressed the meaning of the phrase “reasonable particularity” in *Jent v. Fort Wayne Police Dept*, 973 N.E.2d 30 (Ind. Ct. App. 2012) which involved a request for daily incident logs. The court concluded that reasonable particularity in a record request “turns in part, on whether the person making the request provides the agency with information that enables the agency to search for, locate, and retrieve the records.”

This office has opined in *Opinion of the Public Access Counselor* 22-FC-71 that “[r]equiring reasonable particularity relieves a public agency from the guesswork of having to anticipate exactly what a requester is seeking.” The Opinion goes on to say, “[a]ll contracts and agreements for multiple years is also not a reasonably particular request.” We agree that the request lacked reasonable particularity.

Second, Complainant alleges that Respondent provided irrelevant records or failed to provide the records requested regarding current contracts at Blue River Park. Complainant does acknowledge receipt of contracts that have been in place at the park but have expired. Respondent states that all the responsive

records have been provided and cites numerous *Opinions of the Public Access Counselor* (03-FC-146, 05-FC-25, 10-FC-086, and 12-FC-328) to support its position that Respondent is not required to produce records that do not exist or create records to fulfill an APRA request. If Respondent provided all the records responsive to Complainant's request, then the records request has been fulfilled.

Third, Complainant alleges that Respondent violated APRA by failing to provide "copies of agreements, permits, meeting minutes, disclosures and correspondence related to the operation or approval of the ventures", assuming the nonprofit and for-profit entities referenced as the ventures using the park facilities. The broad nature of the request and lack of time periods, again, are contrary to the Court's holding in *Jent* and the *Opinions* cited above.

While it appears that minutes and possibly permits may have been easy to discern and produce, if Respondent had provided a date range, it is unclear from the complaint submission whether such information was known.

The request for correspondence/emails also requires reasonable particularity as to sender and recipient as expressed by the Court of Appeals in *Anderson v. Huntington County Bd. Of Comm'rs*, 983 N.E. 2d 613 (Ind. Ct. of App. 2013). See also *Opinion of the Public Access Counselor* 25-FC-077.

Open Door Law

Fourth, Complainant also alleges a violation of the ODL in the city failing to provide advance notice of a city council meeting on May 27, 2025. Respondent states that the city council did not meet on that date and the city plan commission, with proper notice, did meet. Respondent included copies of published notice of a public hearing for the plan commission.

CONCLUSION

This office finds that Respondent did not violate APRA because it provided the responsive records that it could identify and denied other requests as lacking reasonable particularity. This office also finds that the Respondent did not violate ODL.



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Public Access Counselor